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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/116,425	07/15/98	PIECHOWIAK	ME-2754-30

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EXAMINER
CHERUBIN, Y

ART UNIT PAPER NUMBER
3712

DATE MAILED: 07/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/116,425

Applicant(s)

PIECHOWIAK ET AL.

Examiner

Yveste G. Cherubin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

1. This is in response to the Amendment of the Application No. 09/116,425 filed on April 26, 2001 in which claims 1-16 are pending.

Terminal Disclaimer

2. The terminal disclaimer filed on April 9, 2001 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,012,982 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

3. Applicant's arguments filed April 9, 2001 have been fully considered. A non-final action is being issued.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-6, 8-9, 13-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Manship et al. (US Patent No.5,393,061).

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As per claims 1-2, 4-5, Manship discloses a video gaming system including a display screen on which the spinning wheels of a slot machine are simulated. Each simulated wheel is divided into a number of cells with each cell having a game element such as a "cherry", an "orange", a "bar", etc. Stored in the machine are payout tables which assign payout value to predetermined combinations of game elements considered to be winning combinations of game elements that may appear on the screen during a game play. In fig 2, the display screen shows the credit total (40) accumulated by the player and the total number of credits bet (41) for each game play. The display screen also shows a bonus credit total (42) accumulated during game play together with an indicator area (44). Manship's system runs two modes of play which are a regular mode and a special (bonus) mode called "fever mode", 5:28-41. When reached a certain predetermined criteria or advanced into the special or bonus or fever mode, the display colors in the indicator area (44) are enhanced and the elements of "bells" are displayed in one or more of the cells in the array. During that bonus or fever mode the bells are enlarged and swing back and forth on the screen, and the audio output of the machine changes and rings in time with the swinging motion of the bells, 7:10-63. It should be apparent that although using an enhanced feature for the bonus or fever mode that Manship's device is using the same display to display both games, the primary or regular mode and the bonus and fever mode. Upon winning, players are awarded coins or allowed to select the form in which accumulated credits are to be redeemed, 10:53-60. As per claim 3, 6, Manship discloses that the bonus credit total is added to the

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credit total, 6:51-60. As per claims 8, 13, Manship in Fig 2, discloses using video reels.

Regarding claims 9, 14, Manship in Fig 1, displays grid patterns (32).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manship (US Patent No.5,393,061) in view of Marnell, II (US Patent No.5,393,057).

As per claims 7-16, Manship discloses the claimed invention as substantially as shown above. However, Manship does not disclose using the different types of indicia such as playing cards, letters and numbers in his system. Marnell, II, in Figs. 1 and 2, displays different types of indicia such as playing cards and letters. It would have been obvious to one of ordinary skill in the art to provide the indicia of Marnell into the Manship type system in order to provide various types of games and therefore attract various types of players.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

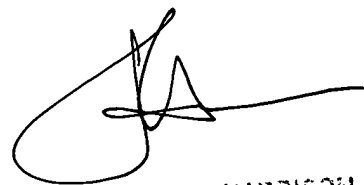
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

June 29, 2001

ygc 


JESSICA J. HARRISON
PRIMARY EXAMINER